

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P.Civil Services (Ex.Br) Rules, 1992 – Alteration of date of birth of Smt G.Jaya Sree, Deputy Collector (Retired) as 11.11.1955 instead of 11.11.1953 by implementing the orders dated 12.07.2011 in W.P.No.1216/2011 of the Hon'ble High Court of Andhra Pradesh – Orders – Issued.

REVENUE (SER.I) DEPARTMENT

G.O. Rt. No. 708

Dated:19.07.2014.

Read the following:-

- 1.From the District Collector, East Godavari, Proceedings No.B2/18205/90 dated 23.09.1991
- 2.Government Memo No.39468/Ser.II(1)/2006-1, Revenue (Ser-II) Department dated 23.10.2007
- 3.Show Cause Notice Ref.A5/8818/2007 of the District Collector, East Godavari dated 31.12.2007.
- 4.From the Hon'ble A.P. Administrative Tribunal, Hyderabad Order dated 27.10.2010 in O.A.No.2170/2008 filed by Smt G.Jaya Sree, Deputy Collector.
- 5.Government Memo No.39468/Ser.II.1/2006-11, Revenue (Ser-II) Department dated 29.12.2010
- 6.From the Hon'ble High Court of A.P., Hyderabad Order dated 12.07.2011 in W.P.No.1216/2011 filed by the Government.
- 7.G.O.Rt.No.124, Revenue (Ser-I) Department dated 29.01.2011
- 8.Contempt Case No.1628/2011 in W.P.No.1216/2011 filed by Smt G.Jaya Sree, Deputy Collector.
- 9.From the Supreme Court of India Orders dated 16.07.2013 in Special Leave to Appeal (Civil) No.35121/2011.
- 10.From the Supreme Court of India Orders dated 06.02.2014 in Review Petition (C) No.26/2014 in SLP (C) No.35121/2011.
- 11.From the CCLA, A.P., Hyderabad Letter No.DD2/311/2008 dated 15.07.2014 along with Opinion of the Additional Advocate General dated 15.07.2014

<<<>>>

ORDER :

Smt G.Jayasree, was selected through APPSC by Direct Recruitment as Pro-Deputy Tahsildar and joined in East Godavari District on 07.03.1990. She made an application for alteration of date of birth on 03.09.1990, which was initially rejected by the District Collector, East Godavari. Again the individual applied on 13.12.1990 for alteration of date of birth from 11.11.1953 to 11.11.1955. In the meanwhile i.e., on 01.04.1991, her date of birth was entered in the service record as 11.11.1953. Subsequently, the District Collector, East Godavari vide reference 1st read above ordered that the date of birth of Smt G.Jayasree, be recorded as 11.11.1955 in the service register of the individual. Accordingly, her date of birth was altered in the service register as 11.11.1955.

2. Subsequently, the District Collector, East Godavari in his letter dated 30.07.2006 has stated that as per Rule 2(5) of the Rule issued in G.O.Ms.No.165 Finance dated 21.04.1984 as amended in G.O.Ms.No.94 Finance dated 15.03.1994, the date of birth entered in the Service Register cannot be changed except in the case of bonafide clerical error under the orders of the government and requested to pass necessary orders on the alterations of the date of birth of the individual.

3. In the reference 2nd read above, Government have issued instructions to the District Collector, East Godavari to issue a show cause notice to the individual i.e., Smt G.Jayasree for cancellation of the orders of the Collector, East Godavari dated 23.09.1991 and obtain the representation and forward the same to the Government together with his remarks for further examination of the matter. Accordingly, the District Collector, East Godavari has issued Show Cause Notice to Smt G.Jayasree, stating that why the orders issued in Ref.B2/18205/1990 dated 23.09.1991 of the District Collector, East Godavari should not be cancelled by the Government vide reference 3rd read above.

4. Aggrieved by the above, Smt G.Jayasree, has filed O.A.No.2170/2008 before the Hon'ble A.P. Administrative Tribunal, Hyderabad. In the reference 4th read above, the Hon'ble Tribunal in its order dated 27.10.2010 while allowing the said O.A. held that the date of birth entered in the service register as 11.11.1955 in pursuance of the orders of Collector dated 23.09.1991 under rule 2 of A.P. Public Employment (Recording and Alteration of Date of Birth) Rule, 1984 is valid and there are no valid reasons to cancel the same and the impugned Memo No.39468/Ser.II(1)/2006-1, dated 23.10.2007 issued by the Government and the consequential show cause notice issued by the Collector, in Ref.A5/8818/2007 dated 31.12.2007 are set aside.

:: 2::

5. Aggrieved by the orders of the Hon'ble Tribunal, Government have filed W.P.No.1216/2011 before the Hon'ble High Court of A.P., Hyderabad and the Hon'ble High Court of A.P., Hyderabad in its order dated 12.07.2011 have dismissed the said W.P. vide reference 6th read above.

6. In the meanwhile, Government vide reference 7th read above, have issued retirement notification of Smt G.Jayasree Deputy Collector mentioning her date of birth as 11.11.1953 and she retire from service on 30.11.2011 on superannuation. Aggrieved by the said notification, she filed Contempt Case No.1628/2011 in W.P.No.1216/2011 on 30.11.2011 before the Hon'ble High Court of Andhra Pradesh, Hyderabad. The said Contempt Case has been listed from time to time for implementation.

7. Government have filed SLP in Hon'ble Supreme Court of India against the orders of Hon'ble High Court dated 12.07.2011 in W.P.No.1216/2011. Initially the Hon'ble Supreme Court of India have granted stay on the contempt proceedings. Subsequently, in the reference 9th read above, the Hon'ble Supreme Court of India, dismissed the Special Leave Petition and left open the question of law. Government have filed a Review Petition (C) No.26 of 2014 in SLP (C) No.35121/2011 before the Hon'ble Supreme Court of India, New Delhi and the same has been dismissed by Hon'ble Supreme Court of India, New Delhi on 06.02.2014 vide reference 10th read above. Subsequently, Government, have filed a Curative Writ before the Supreme Court of India in the matter and it is pending.

8. In the meanwhile, the Contempt Case No.1628/2011 in W.P.No.1216/2011 is listed on 18.07.2014 for compliance of the orders dated 12.07.2011 passed in W.P.No.1216/2011 of the Hon'ble High Court.

9. Government, after careful examination of the entire issue, have decided to implement the orders dated 12.07.2011 passed in W.P.No.1216/2011 of the Hon'ble High Court, subject to the final outcome of the Curative Petition pending before the Supreme Court of India.

10. Accordingly, Government hereby order that the date of birth of Smt G.Jaya Sree, shall be treated as 11.11.1955 instead of 11.11.1953, subject to the final outcome of the Curative Petition pending before the Supreme Court of India. Consequently, the date of birth of Smt G.Jaya Sree, mentioned at Sl.No.11 in Para 2 of G.O. 7th read above is hereby deleted. Her date of birth shall be treated as 11.11.1955 and her retirement date shall be treated as 30.11.2013. This case will not be quoted as a precedent in future.

11. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad and the District Collector, Visakhapatnam & East Godavari / Special Collector, Rajahmundry shall take necessary action accordingly.

12. This order is issues with the concurrence of Finance (FR.I) Department vide their U.O. No.4865/39/HRM.IV(FR)/2014, dated:15.07.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.C.SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Smt G.Jaya Sree, D.O.No.5-47/4, Vaidyanagar-3.

Vakalapudi, Kakinada-533005, East Godavri..

The Special Chief Secretary & Chief Commissioner of Land Administration, AP, Hyderabad.

The District Collector, Visakhapatnam & East Godavari.

The Special Collector, Rajahmundry

The District Treasury Officer, Visakhapatnam & East Godavari Districts

Copy to :

The Additional Advocate General, High Court of A.P., Hyderabad

The G.P (Services), High Court of A.P., Hyderabad

The Finance (F.R.I) Dept.,

The Law Dept.,

The Rev (Vig.I) Dept.,.

The file/SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER